

Attachment J

Public Correspondence

Part 1 of 3

Agency Comments / Responses

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File No. 60692.00001

September 28, 2009

VIA MAIL

Ms. Maggie Loy
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Final Environment Impact Report, Merriam Mountains Specific Plan --
Adequacy of Responses to Comments and Findings

Dear Ms. Loy:

This letter is submitted on behalf of the Deer Springs Fire Protection District ("District") in connection with your consideration of the Merriam Mountains Specific Plan ("Project") and its associated Environmental Impact Report ("Final EIR"). This letter addresses the inadequacy of the County's responses to the District's October 3, 2007 comment letter on the Draft EIR and April 27, 2009 comment letter on the Recirculated EIR, as well as the County's proposed findings regarding the Project's significant effects.

The District understands that the Planning Commission will consider this Project and the Final EIR at its October 9, 2009 meeting. The District requests that this letter be included in the agenda materials for the item and that the District's prior correspondence regarding the Project and the EIR be made part of the official record of proceedings.

Responses to Comments

The County has failed to address many of the District's concerns regarding the Project and its lack of compliance with CEQA, in violation of State CEQA Guidelines section 15088 (setting forth the requirements for responses to comments). Generally, the Final EIR lacks adequate detail regarding the reasons why specific comments and suggestions were not accepted and contains conclusory statements unsupported by factual information.

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Specific examples of the inadequacy of the County's responses include, but are not limited to, those relating to the following issues:

- **Fire Protection Plan.** The County's responses continue to rely on the false premise that because the County's Fire Marshal purportedly approved the Fire Protection Plan (FPP) prepared for the Project, impacts related to fire would be less than significant. (Response 13-50.) The District, however, as the Fire Authority Having Jurisdiction (FAHJ), is responsible for enforcing fire regulations as they relate to planning, construction, and development of the Project site as well as fire suppression and other emergency services. (Comment R9-7.) Indeed, the Final EIR for the Project expressly recognizes that the District is the local entity charged with fire protection services to all parcels and roadways and emergency medical services for all but 16 acres of the Project site. (EIR, p. 4-13.) The EIR fails to disclose the fact that the District put the County on notice of the District's rejection of the FPP in a letter dated February 2, 2007. (Comments R9-8, R9-37.) The inadequacy and rejection of the FPP is a significant impact that must be identified, analyzed, and mitigated in the Final EIR.

The District rejected the FPP because it did not meet state and local fire codes; namely, the FPP failed to meet the criterion that there would be a less than significant chance of injury or death during a worst case wildfire scenario. (Comments R9-23, R9-24, R9-38.) The District has consistently maintained its position that the FPP is inadequate on numerous grounds and in particular with respect to evacuation. The County's failure to disclose the District's rejection of the FPP deprives the public and the decision makers of a meaningful disclosure of the project's impacts in violation of CEQA.

- **Evacuation Plan.** The County's responses reject the District's request to require an evacuation plan that addresses a worst case fire scenario reviewed and approved by the County, the District and the San Marcos Fire Protection District. (Responses and Comments R9-28, 13-31, 13-32.) The County continues to downplay the importance of a clearly identified and analyzed evacuation plan for the Project site, particularly given that the Project does not meet the definition of a Shelter In Place community. (EIR, p. 3.3-2; Response 13-26.) The County claims that "modifications" to the FPP have eliminated concerns about the ability of residents to evacuate in an orderly and safe manner, but neither the Final EIR nor the County's responses to comments adequately describe such modifications. (Response 13-26.) In addition, any "modifications" made by the County to the District-rejected FPP merely compounds the flaw in relying upon a rejected FPP to mitigate fire safety issues.

The Final EIR also fails to disclose the Project applicant's acknowledgement (in its 2006 Conceptual Wildfire Life Safety and Sheltering Plan) that in the event of a worst-case wildland fire scenario (i.e., a Santa-Ana driven wildfire starting in the open space within the development's boundaries or immediately adjacent properties), "there is not adequate

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time or the resources to provide for an orderly and successful evacuation based on the CDF fire scenarios which predict an extreme rate of burning.” The Project applicant states: “During these fire conditions it is the intent to use the ‘Shelter In Place’ concept with pre-instructed residents remaining inside their homes until the fire front has passed.” Although the term “Shelter In Place” has been removed from the County’s version of the FPP as per explicit instructions from the County Fire Marshal in his August 31, 2006 letter to the County, the development remains a *de facto* Shelter In Place development precisely because of the impossibility of timely evacuation under the current proposal.

The County recognizes that the County of San Diego Office of Emergency Services provides a “template” for local agencies to prepare community protection and evacuation plans in collaboration with agencies such as the District. (Response R9-14.) But no such plan has been developed for the Project, despite the District’s repeated requests that one be prepared. (*Ibid.*) The Final EIR must contain an evacuation plan prior to certification of the EIR and Project approval in order for the County to make a well-informed decision regarding the Project’s wildland fire impacts. At a minimum, such a plan should be required as part of the Project because the inability to mitigate an inadequate or absent evacuation plan creates a significant chance of injury or death to the Project’s residents in the event of a worst case wildfire scenario. The plan should consider the specific needs of future and current residents in the Project area, including persons with disabilities and special needs and persons without vehicles. Reliance on a community-wide evacuation is insufficient for a project of this scope, located in such a high-risk fire area.

The County responds that the “HOA will work collaboratively with the Deer Springs Fire Safe Council and the applicable law enforcement agencies in the development of such a community-wide plan to help ensure an orderly and safe evacuation in the event of a fire.” (Response 13-28.) There is no factual or legal support for the County’s assumptions regarding the Deer Springs Fire Safe Council and its role regarding the proposed project. The County further pledges that the Project applicant would work with the District in developing educational and instructional materials for residents in preparation for possible evacuation. (Response 13-34.) Mitigation measures, however, may not be deferred to the future under CEQA. (State CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) At a minimum, these measures must specify performance standards that would mitigate the significant impacts associated with fire safety issues. (*Ibid.*)

There is also little guidance as to what would be required in the future evacuation plan and educational and instructional materials. Further, the Final EIR fails to analyze the chance of success in reducing exposure of people or structures to significant risk of loss, injury or death involving wildland fires as required in environmental checklist in CEQA Appendix G. As recognized by the County, Deer Springs Fire Council has declined to establish a branch within the Merriam Mountains HOA and has stated that it would only be able to provide the same educational services to the HOA as it does for the rest of the Deer Springs community *if sufficient resources are available*. (Responses R9-16;

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Comment R9-36.) Regardless, reliance on homeowner education efforts to assure the safe evacuation of nearly 8,000 residents is legally insufficient. (Responses R9-14, R9-38; Comment R9-38.)

The County's responses also fail to adequately address the District's comments that the EIR lacks a meaningful analysis of how the egress roads would function in terms of capacity and vehicles during a wildland fire evacuation. The responses do little more than state the names of the evacuation routes identified in the EIR. (Response R9-14.) For example, the responses do not adequately explain how the egress locations identified in the Final EIR would function under extreme fire conditions (i.e., Santa Ana-driven wildfire) resulting in thousands of vehicles attempting to exit the Project site. (Comment and Response R9-11.) The Final EIR must adequately assess how the egress locations would withstand an evacuation before completion of the infrastructure anticipated at General Plan buildout. (*Ibid.*) The County's responses fail to address the District's request to conduct a quantitative analysis of how many vehicles can safely exit the Project site in a short time frame using traffic modeling under the various potential fire conditions. (Comment and Response R9-12.)

The County's conclusion that a separate evacuation plan is unnecessary relies largely on the false assumption that its reverse-911 system would enable residents to evacuate in an orderly fashion. (Responses R9-14, 13-54.) The lack of adequate egress routes, in combination with the predicted speed of the wildfire and the density of the Project's population, would make timely evacuation impossible in a worst-case wildland fire scenario, *with or without reverse-911 notification*. In addition, the Final EIR fails to analyze the impact of a power shortage (caused by fire and/or high winds resulting in fallen power lines) and the ability of residents to use cell-phones that rely on wireless towers or cordless telephones. Power outages also affect the ability of service providers to communicate by internet and television.

- **Fire Protection Services - Response Times.** The County's responses decline to incorporate and analyze the results of the Standards of Cover currently being prepared by the District in order to determine its ability to serve the Project prior to certification of the Final EIR and Project approval. (Comment and Response R9-18.) This refusal disregards the District's jurisdiction over the Project as the FAHJ. The Final EIR must include anticipated response times to the Project site that account for starts, stops, turns, traffic congestion, and terrain; instead, the Final EIR merely deletes the anticipated 5 minute response time in the Recirculated EIR, which was based on inadequate data. (Comments 13-37 to 13-42.) The Final EIR must also acknowledge the District's position that its service ratios would not be able to accommodate the Project's near doubling of its existing service population without sufficient infrastructure and mitigation measures. (Comments 13-43 to 13-53; EIR, pp. 4-14 to 4-15.)

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- **Air Quality.** The Final EIR continues to claim that the primary impact from wildland fires to residents would be exposure to smoke and reduced air quality while evacuating the Project site. (Response 13-54.) But the Final EIR fails to adequately define, analyze, and mitigate these impacts, which would only be further exacerbated by the traffic delays caused by inadequate egress/ingress to the Project site.
- **Mitigation Measures.** The County rejected the District's request to include a mitigation measure requiring the Project to fund the equipment and personnel necessary to provide the Project's fire and safety needs, claiming that the County has already adopted fee assessment programs for the benefit of community services. (Response 13-51; Comment R9-17.) These assessment programs (e.g., Community Facilities District) must be adequately described in the Final EIR and incorporated as an enforceable mitigation measure in compliance with CEQA. (State CEQA Guidelines, § 15126.4, subd. (a)(2).) CEQA requires more than an "expectation" that the conditions of approval for the Project would include a requirement that an agreement between the Project applicant and the District would be executed prior to recordation of the first final map. (See Response R9-17.)
- **Alternatives.** The County's responses disregard the District's request to fully study the "No Project/Existing General Plan" as the environmentally preferred alternative, reiterating the same conclusions in the alternatives analysis in the EIR. (Response 13-56.) The responses need to further explain why the alternative does not meet the Project objectives.

Findings

A public agency cannot approve a project for which an EIR has been certified that identifies significant environmental effects unless the agency makes written findings for each of those effects, accompanied by an explanation of the rationale for each finding. (Pub. Resources, § 15091.) The agency must find that either (1) changes or alternatives have been required in or incorporated into the project to avoid or substantially lessen the significant environmental effects, (2) such changes are within the responsibility and jurisdiction of another public agency and that such changes have been adopted by such other agency or can and should be adopted by such other agency, or (3) that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives. (*Ibid.*) When an agency approves a project that will result in significant effects identified in the EIR that are not avoided or substantially lessened, the agency must state in writing the specific reasons to support approval of the project based on substantial evidence in the EIR and other information in the record. (Pub. Resources Code, § 15093.)

As explained in the District's prior letters, the Final EIR fails to adequately identify and mitigate all of the Project's significant effects (e.g., an adequate and properly approved Fire Protection Plan, public services, air quality, land use, traffic, and air quality impacts) and omits

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analysis of Project alternatives that would result in fewer impacts. As such, these omissions also render the findings incomplete. The proposed findings are also insufficient because they are conclusory, not supported by substantial evidence in the record, and fail to adequately specify the rationale for rejecting the proposed alternatives.

For example, the County's finding that the Project's exposure of people to a significant risk of loss, injury or death from wildland fires is less than significant primarily relies on enhanced construction features adopted through the FPP, which the District has deemed inadequate, and fails to account for the absence of a project-specific evacuation plan in violation of CEQA. (See Pages 6-31 to 6-34.) In addition, the findings are silent as to Project alternatives.

Accordingly, the Final EIR for the Project must be revised and recirculated to remedy the inadequacies set forth above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lindsay D. Puckett', written in a cursive style.

Lindsay D. Puckett
for BEST BEST & KRIEGER LLP

LDP:ldp

cc: Deer Springs Fire Protection District Board of Directors



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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September 14, 2009

Deer Springs Fire Protection District
Attn: Bob Frey, Board President
8709 Circle R Drive
Escondido, CA 92026

RE: Merriam Mountains Project (TM 5381)
Response to Letters dated July 14, 2009 and August 31, 2009

Dear Mr. Frey:

The Department of Planning and Land Use ("Department") is in receipt of the letters from the Deer Springs Fire Protection District ("District"), authored by Bob Frey, Board President, dated July 14, 2009 and August 31, 2009. The Department is also in receipt of the comment letter dated April 27, 2009 that was issued to the Department during the public review period of the revised Draft Environmental Impact Report (RDEIR); this letter was also authored by Bob Frey, Board President. Currently, the Department is in the process of finalizing the responses to the comments received during the public review period of the RDEIR and, in accordance with Section 15088 of the California Environmental Quality Act ("CEQA") and Department policy, will make the responses to comments available to the public at least 10 days prior to the Planning Commission hearing. However, since the two most recent letters were received outside the public review period of the RDEIR, the Department is providing you with this letter to inform you that all project correspondence from the District will be made available to the hearing bodies.

Because the Department understands that the issue of wildland fires is a very serious and sensitive issue for all, the Department welcomed the opportunity to assist the Deer Springs Fire Protection District in the review of project conformance with applicable fire codes. Resulting from the joint review of the project, and in order to address impacts in accordance with CEQA, the following is a brief summary of the discussions contained within the in the DREIR that address risks associated with wildland fires:

- Clustering homes to reduce the number of residents that are adjacent to wildlands,
- Providing extensive and managed fuel modification zones throughout the development, including those areas within the development footprint and adjacent to the internal road system(s),
- Construction of six-foot tall, non-combustible walls along the outer perimeter of Neighborhoods 3, 4, and 5.
- Adequacy of water supply,
- Provision of three primary points of egress/ingress and the provision of one emergency access point (see Section 2.2)
- Widening improvements to Deer Springs Road, the I-15 ramps, and many other physical improvements to road intersections/segments in the area (see Section 2.2),
- Adequacy of fire facilities/services (refer to Section 4.1.2),
- Construction type and other fire protection systems including, but not limited to, residential fire sprinkler systems and restriction on wood-burning fire places.
- Evacuation Planning (see Section 3.3.1.3c),
- A Fire Protection Plan to demonstrate conformance with state and local fire codes and to address impacts in accordance with CEQA,
- Provision of education and other various forms of informational materials to the residents of the Merriam Mountains Specific Plan,
- Implication that the project would not interfere with the preparation of a community wide evacuation plan or emergency response plan should one be prepared in the future,
- Construction of a new fire station within the commercial area,
- And many other project features.

In an effort to coordinate the final steps of the processing the Merriam Mountains project, the Department has held several recent meetings with the Deer Springs Fire Protection District representatives, including the District Fire Chief and Marshall. These meetings took place on March 2, 2008, June 8, 2009, June 24, 2008, and July 8, 2009.

In the first couple of meetings, topics discussed included planning for the future fire station and project compliance to state and local fire codes (stated from both the District Fire Chief and Marshall). The latter of the meetings included requests for a project specific evacuation plan and the District's proposal on the specifications for the future fire station.

Given the inconsistency between the information received from the District Fire Chief and Marshall with that of the Fire Board, the Department believes that the Board has an overarching issue with the Department having no current policies, ordinances, or codes in place that require projects to prepare a detailed, project specific, evacuation plan. And although projects are required to thoroughly address risks associated wildland fires in their environmental document, project specific details regarding evacuation were

Merriam Mountains

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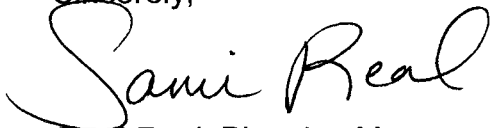
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removed from the project documents at the request of the joint comment letter dated August 31, 2006. As mentioned in the previous meetings, if the District is interested in preparing a region-wide evacuation plan, the Department recommends contacting the San Diego County Office of Emergency Services, who has already in the past, offered to assist the District with preparing such plan.

The Department is dedicated to ensuring developments are designed to minimize the risk to not only to residents of the project but also to residents of the community and all those fire fighters and other safety officials who serve the community. With that said, we have taken the risk of wildland fires very seriously with this project and invite you to attend the upcoming project hearings to express the Board's concerns regarding this project. The first public hearing is expected to occur on October 9, 2009. A notice of this hearing will be issued once this date is confirmed. Please note that the District will be noticed of all future hearings.

If you have any questions regarding this letter or would like to discuss the matter further, please call me at (858) 694-3722.

Sincerely,

A handwritten signature in black ink that reads "Sami Real". The signature is fluid and cursive, with the first name "Sami" and last name "Real" clearly distinguishable.

Sami Real, Planning Manager
Project Planning

e-mail cc:

Warren Diven, Best Best and Krieger
Eric Gibson, Director Department of Planning and Land Use
Salvador Salazar, County Counsel
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RE: *Merriam Mountains; GPA 04-06; SP 04-006,*
 LOG NO. 04-08-028,

Dear Ms. Loy and Mr. Gibson:

This letter supplements the previous correspondence the Deer Springs Fire Protection District ("DSFPD" or "District") has sent to the County regarding the Merriam Mountains Project ("Project"), its fire protection plan ("FPP") and the revised draft environmental impact report ("RDEIR"). The District believes that this letter is required at this time because, since the closing of public comment on the RDEIR, the County has informed the District that it will not address certain key issues raised by the District in connection with the FPP and the RDEIR, as is documented in the District's letter to the County of July 14, 2009. The District requests that the County respond to this letter as part of the RDEIR pursuant to Section 15088(a) of the CEQA Guidelines and, at a minimum, forward this letter to the decision makers before their consideration of the Project.

The District submitted written comments on the environmental document for the Project on October 3, 2007 and again on April 27, 2009. In addition, as early as February 2, 2007, the District informed the County that the DSFPD Board had rejected the FPP for the Project at its meeting of January 19, 2007. Finally, as recently as July 14, 2009, the District documented its concerns about the Project's fire safety impacts. To date, the County has not adequately addressed the District's concerns. Therefore, this letter again summarizes the significant fire safety concerns the District continues to have about the Project, the FPP and the RDEIR.

Background

The Project proposes the development of 2,700 dwelling units and 110,000 square feet of commercial uses on 2,327 acres of land adjoining I-15 and Deer Springs Road. As noted in the RDEIR for Merriam Mountains, all but 16 of these acres will be served by the DSFPD as the first fire responder. (RDEIR p. 4-13). The remaining 16 acres of the site will be served by the San Marcos Fire Protection District. (*Id.* p. 4-13). As noted in the RDEIR, 2,311 acres or 99.3% of the Project will be provided fire protection services by the DSFPD.

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The RDEIR for Merriam Mountains recognizes that the "project is situated in an area that, due to its steep terrain, heavy fuels, adjacent ignition sources, and regional fire history, is subject to periodic wildfires. The project area and nearby communities of Castle Creek, Hidden Meadows, and Lawrence Welk Resort, are all located in a High Fire Hazard Severity Zone, as designated by the California Department of Forestry and Fire Protection". (RDEIR p. 3.3-3). The RDEIR for Merriam Mountains states that based on research "the anticipated growing population of North County Wildland Urban Interface (WUI) areas, and the region's fire history, it can be anticipated that large wildfires will occur in North San Diego County with the Merriam Mountains, and surrounding communities being no exception". (*Id.* pp. 3.3-3, 3.3-4).

The FPP prepared for the Project in August 2007 recognizes that "Santa Ana wind driven wildfires will have the potential to deposit fire brands (glowing embers) over the west side of Merriam, starting brand new 'spot fires' that if not immediately attacked will grow rapidly in size and will spread into San Marcos due to the strong northeast winds". (Merriam Mountains Fire Protection Plan (Appendix K) p. 4). The FPP notes that under extreme "worst case" fire conditions the "fire spread equates to 11,695 acres in 30 minutes, assuming no initial attack" with a rate of spread of 2,709.9 feet per minute and a flame length of 110 feet. (*Id.* p. 9). The District concurs with that fire risk.

The Deer Springs Fire Protection District is located north of the City of Escondido and northeast of the City of San Marcos and covers approximately 45 square miles. Based upon recent SANDAG data, the resident population within the Deer Springs Fire Protection District is approximately 11,137 persons. The Project is located within the Twin Oaks Valley area which includes numerous existing homes and residents.

Many of the homes located both within the District and within Twin Oaks Valley are older homes built many years ago. These homes were not constructed with fire resistant materials and most of them do not have fire sprinklers or the 100 foot buffer around structures now mandated by current Fire Codes. Given the lack of adequate fire protection measures, these older homes and the residents within them remain extremely vulnerable to Santa Ana fire conditions. A notable deficiency in both the FPP and the RDEIR is the failure to adequately evaluate the fire risks to this existing community and the ability to provide safe evacuation in the event of a Santa Ana fire. This remains a significant fire risk that has not been evaluated at all in either the FPP or the RDEIR.

The existing deficiencies in the FPP and the RDEIR are discussed in more detail below.

Lack of Adequate Secondary Access

The Project has failed to include adequate secondary access for either the intensive residential development proposed in neighborhoods 1 through 5 or for the ten estate residential units proposed on the northeastern end of the Project, as mandated by both the Consolidated Fire Code and the County Fire Code. This is a serious deficiency, since the Project proposes 2,700 residential dwelling units and 10.1 acres of commercial uses. (RDEIR p. 1-2).

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Fire access roads for the Project are shown on Figure 1.1-13 of the RDEIR. The sole means of access proposed for the ten estate lots located on the northeastern end of the Project is Lawrence Welk Drive. (RDEIR, p. 1-10; Figure 1.1-13). No means of secondary access is provided for any of these ten estate lots. This means that if a fire adversely impacts Lawrence Welk Drive, the owners of these 10 estate residential lots have no means of evacuation.

Figure 1.1-19 of the RDEIR shows that 901 dwellings are proposed in Phases III and IV of Merriam Mountain that are provided with only one means of access on Lawrence Welk Court until it reaches the junction of Meadow Park Lane and Merriam Mountains parkway. The 901 residences proposed in phases III and IV have no means of secondary access until this junction is reached. Only a small portion of the Project at the southern end provides two means of access by Meadow Park Lane and Merriam Mountains parkway to Deer Springs Road. This limited secondary access is inadequate given the gridlock traffic conditions on Deer Springs Road documented in the RDEIR. As noted in Table 2.2-3 of the RDEIR, all of Deer Springs Road from Twin Oaks Valley Road through the I-15 southbound ramp is currently operating in gridlock LOS E and F conditions. (RDEIR p. 2.2-51). In the year 2030, even assuming the widening of Deer Springs Road to 6 lanes, which is not guaranteed since no funding has been provided for it, Deer Springs Road from Mesa Rock Road all the way through the I-15 northbound ramp at Champagne Boulevard will be operating in gridlock LOS E and F conditions. (RDEIR Table 2.2-16, p. 2.2-71). These gridlock traffic conditions on Deer Springs Road will prevent any viable access in the event of a Santa Ana fire using Deer Springs Road as access. These traffic conditions will be far worse in the event of a fire given the established history of residents tending to flee in their cars during a Santa Ana fire.

The lack of adequate secondary access for a project of the magnitude of Merriam Mountains proposing 2,700 new dwelling units and 110,000 square feet of commercial uses results in a significant and unmitigated fire impact which should have been recognized in the RDEIR. The County's own Guidelines for Determining Significance of Wildland Fire and Fire Protection expressly recognizes that "one or more means of secondary access to a project, development or area shall be required for emergency operations and/or evacuations when the length of a dead-end road exceeds the cumulative length standards established by this chapter". (County Guidelines for Determining Significance Wildland Fire and Fire Protection p. 22). In fact, these Guidelines recognize that it "is the intent of this requirement to provide emergency access that is safe and separate from the primary access, and to provide reliable alternative means of egress for residents during a fire event. New projects shall provide a second route of access when the above-distance thresholds are exceeded". In this case, Merriam Mountain clearly exceeds the dead end road standard of 800 feet for its intensive neighborhood residential development on far less than 1 acre and the 2,640 feet dead end road standard for its 10 estate lots averaging approximately 5.4 acres each. The lack of adequate secondary access for the Project is not consistent with the Consolidated Fire Code or the County Fire Code.

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Lack of Evaluation of Fire Impacts on Existing Community

While the FPP and the RDEIR contains an analysis of fire risk *to* the Project, they contain no discussion or evaluation of fire risk *to* the surrounding community *from* the Project, including the numerous existing residential and agricultural uses extending along Deer Springs Road, Twin Oaks Valley and east of I-15. Most of these existing uses were built many years ago and lack fire sprinkler systems, fire set-backs from residences or other structures, or fire resistant construction. This is a serious deficiency since the FPP recognizes that under worst-case Santa Ana wind conditions a fire will spread at the rate of 2,709 feet per minute with a flame length of 110 feet that under worst-case fire conditions will cause a fire to spread to 11,695 acres in 30 minutes assuming no initial attack. (Fire Protection Plan, Appendix "K" p. 9). This fire risk is compounded by the fact that the FPP recognizes that the Project includes 1,192 acres of permanent biological open space that will significantly increase this fire risk. The FPP notes that the biological open space area consists "of a mix of highly flammable chamise, black sage, California sage brush, flat-top buckwheat, Ramona Wild-Lilac, sugarbush, mission Manzanita and laurel sumac that are more than 6-feet in height". (Fire Protection Plan, Appendix "K" p. 5). The FPP notes that when burned under Santa Ana wind conditions this biological open space area "results in the greatest rates of spread, energy release and produces 110 foot flame lengths on Merriam's 62% uphill slopes." (Id. p. 5).

The RDEIR also recognizes the significant fire risk created by the 1,192 acres of permanent biological open space. The RDEIR states that: "The 2003 fires in San Diego, San Bernardino, and Los Angeles Counties demonstrated the role of dedicated open space as a significant vehicle that, in some situations, facilitates the movement of wildfire conflagrations from native open space into urbanized areas during adverse and extreme environmental conditions." (RDEIR p. 3.3-4).

Despite these acknowledged risks, no mitigations are proposed to minimize this significant fire risk to the numerous existing homes located throughout Twin Oaks Valley. The failure to analyze these significant fire risks violates CEQA.

Cumulative Fire Risk Not Evaluated

Both the FPP and the RDEIR contain no discussion of cumulative fire risk associated with the numerous projects planned in the surrounding area. The RDEIR identifies 128 additional projects proposed in the area surrounding the proposed Merriam Mountain Project, resulting in the development of an additional 11,887 residential units and 5,583,143 square feet of commercial uses. (RDEIR Tables 1.1-4, 1.1-5). In fact, the cumulative project list identifies 32 projects that will have a cumulative fire risk with the Project, including project numbers 70, 72, 73, 74, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 129, and 130. (RDEIR Table 1.1-5). The absence of a proper evaluation of the cumulative fire risk associated with the Project in combination with anticipated development in the area ignores the requirements of CEQA.

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Lack of Proper Evaluation of Safe Evacuation

Our letters of February 2, 2007 and April 27, 2009 to the County noted the lack of any evaluation of the ability to safely evacuate the area in the event of a fire and the complete lack of any evacuation plan demonstrating existing and future residents in this area can be safely evacuated in the event of a wildfire. Our letter of July 14, 2009 confirmed the County's position that it will not require an evacuation plan or require the developer to analyze evacuation issues. This position is contrary to CEQA and applicable law.

Safe civilian evacuation is one of the cornerstones of making a same practical effect finding mandated by the State Fire Code, Title 14. Title 14 §1271 defines "same practical effect" to mean "an exception or alternative with the capability of applying accepted wild land fire suppression strategies and tactics, and provisions for fire fighter safety including . . . (b) safe civilian evacuation." The failure to include any evaluation of a safe evacuation of existing and future residents of this area clearly violates Title 14 which mandates that safe civilian evacuation be evaluated to achieve any finding of same practical effect for new development projects. The County conceded the importance of this issue in the January 28, 2009 memorandum from Jeff Murphy to the Industry Advisory Group on wildland fire and fire protection guidelines. In this memorandum, Jeff Murphy stated that "providing for the ability to safely evacuate an area during wild fires is one of several factors that we consider when reviewing new development projects. Early and safe evacuation is always preferred and having safe roads that are available and accessible is necessary in order to achieve that end". (Murphy Memorandum, January 28, 2009 p. 2).

A similar statement appears in the County Guidelines for Determining Significance of Wildland Fire and Fire Protection which declares that "shelter-in-place is an alternative design concept with relocation 'evacuation' of residents to a safe location being the preferred action." (Guidelines p. 32).

In similar fashion, the RDEIR states that the "proposed project does not consider to meet the definition of a SIP community and evacuation of residents to a safe location will be the preferred action in the event of a wildfire." (RDEIR p. 3.3-2). The RDEIR further concedes that the area of the Project "does not yet have an evacuation plan" and acknowledges that the "Board of Supervisors directed the County of San Diego, through the Office of Emergency Services to ensure the creation of community protection and evacuation plans." (RDEIR p. 3.3-10, 3.3-11).

The sole viable evacuation route for existing and future residents within Twin Oaks Valley remains Deer Springs Road. This road is operating in gridlock traffic conditions currently and will be operating in gridlock traffic conditions in 2030 based on the traffic reports completed for the Project. These gridlock traffic conditions will occur during normal daily use without the enormous increase in traffic that will be caused by residents seeking to flee a Santa Ana fire condition. These residents will be trapped on Deer Springs Road with no means of safe evacuation. A properly prepared evacuation plan is critical to protect the health and safety of existing and future area

Ms. Maggie Loy
Mr. Eric Gibson
August 31, 2009
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residents. The failure to evaluate safe evacuation of area residents violates both CEQA and Title 14 of the State Fire Code.

Lack of Evaluation of Functioning Road System During Fires

Both the FPP and the RDEIR fail to contain any evaluation of the ability of the on-site and off-site transportation network to adequately accommodate an evacuation of the area required by a wildland fire. The District is particularly concerned about this issue in light of its experience in prior fires where evacuating residents tended to use both sides of an access road to flee a fire. If this occurs at either Lawrence Welk Court, which is the sole access road for the 901 dwelling units proposed in Phases III and IV of Merriam Mountain until it reaches the junction of Meadow Park Lane and Merriam Mountains Parkway, or at Lawrence Welk Drive, which is the sole access road for the ten estate lots being planned, the DSFPD would be unable to bring firefighters and equipment to the site to fight a fire.

The District is also extremely concerned about evacuation traffic on Deer Springs Road during a wildfire. During past fires it has been the District's experience that the residents tend to evacuate the area of a fire in mass, thereby clogging Deer Springs Road and preventing access to fight the fire for both the DSFPD and other firefighting agencies. The FPP needs to include an evaluation of worst case traffic expected on Deer Springs Road during a mass evacuation due to fire to evaluate the feasibility of bringing other fire fighters and fire equipment to the site particularly in light of the extremely rapid fire spread of 11,695 acres in 30 minutes documented in the FPP. The lack of this information fails to provide critical information necessary to determine the adequacy of the proposed on-site road system and Deer Springs Road to accommodate a mass evacuation during fires.

Failure To Secure Approval of Fire Plan From DSFPD

On January 2, 2007 the County sent the District a letter informing it that the County had accepted the FPP. On January 17, 2007, the District officially put the County on notice that the District Board had not approved the FPP. On February 2, 2007, the District sent a letter to the County, informing it that the Board had rejected the FPP and noting that the DSFPD is the fire agency having jurisdiction (FAHJ) responsible for fire safety issues within its jurisdictional boundaries, including the responsibility to approve or reject the FPP.

On April 27, 2009, the District sent a letter to Maggie Loy at the County again reminding the County of its obligation to secure the District's approval for FPP for the Project and expressing concern about the County's unilaterally approval of the FPP without ever attempting to address the District's significant concerns on both fire and life safety impacts associated with the Project.

As you know, the Consolidated Fire Code provides that the Fire Code is to be enforced by the DSFPD within its jurisdictional boundaries. It expressly provides that the Fire Code shall be enforced "(1) By the Department of Planning and Land Use . . . in all unincorporated areas of the

Ms. Maggie Loy
Mr. Eric Gibson
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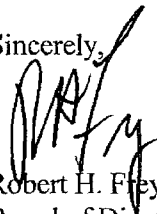
County which are outside a fire protection district” and “(2) for areas in a fire protection district, by the district fire chief.” In fact, the Consolidated Fire Code expressly defines the “Fire Code Official” in the unincorporated areas not within a fire protection district as “a person appointed by the Director of the Department of Planning and Land Use to administer and enforce this chapter” and “in a fire protection district, the fire chief or any person appointed by the chief to administer and enforce this chapter.” (Consolidated Fire Code §96.1.202). Section 4703.1 of the Consolidated Fire Code requires that a fire protection plan be submitted to the DSFPD as part of the approval process. Section 4703.1 provides that the Department of Planning and Land Use “or the fire protection district may require an applicant for a parcel map, subdivision map, specific plan or major use permit for any property located in a wildland-urban interface fire area to submit a Fire Protection Plan (FPP) as part of the approval process.”

The County’s Guidelines for Determining Significance for Wildland Fire and Fire Protection adopted by the County on December 19, 2008 also recognize that the DSFPD has the responsibility to enforce the Fire Code within its fire service territory. These Guidelines provide in pertinent part: “The enforcement responsibilities within CAL FIRE and the FPDs are by any person designated by the FPD’s chief to exercise the powers and perform the duties of the fire code official as set forth in their respective fire code as ratified by the Board of Supervisors. In the unincorporated areas of the County outside of a FPD, the enforcement responsibility lay with the person designated by the Chief Administrative Officer of the San Diego County or his/her authorized representative.” (Fire Guidelines, p. 9).

The failure to secure the approval of the DSFPD to the FPP violates the Consolidated Fire Code and the County’s own Guidelines for Determining Significance for Wildland Fire and Fire Protection.

For the reasons noted in this letter, the District has concluded that the fire risks created by the Project are significant and unmitigated and that the FPP is inadequate and does not properly protect the lives and safety of area residents. While the District remain willing to work with the Project applicant and the County to address these fire and safety concerns, the District cannot allow the Project to proceed without those concerns being addressed.

Sincerely,



Robert H. Frey, President
Board of Directors
Deer Springs Fire Protection District



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

July 21, 2009

To: Sami Real, Planning Manager
 Department of Planning & Land Use

From: Jody Mays, Project Manager
 Sheriff's Department

SUBJECT: Merriam Mountains

The purpose of this memorandum is to clarify the Department's position on the Merriam Mountains project and is supplemental to the memorandum submitted by Corporal Bob Jennings on December 21, 2004.

As noted in the previous correspondence, this project is within the service area of the San Marcos Station. The project would require the assignment of five additional patrol deputies when it is fully developed. The Sheriff's Department does not presently have the resources to hire additional deputies.

There is no direct impact on Sheriff's facilities from the proposed Merriam Mountains project. The San Marcos Station has adequate space to absorb five deputies and no new facilities or expansion of facilities would be required. Although the unincorporated San Marcos service area is experiencing some growth, the Department does not anticipate that the Merriam Mountains project would have a cumulative impact on law enforcement facilities.

WILLIAM D. GORE, SHERIFF

Jody Mays
Facilities and Special Projects/Management Services Bureau

JLM:jlm

cc: Brian Sampson, Sheriff's Department



Deer Springs Fire Protection District

8709 Circle R Drive • Escondido, CA 92026 • tel 760.749.8001 • fax 760.749.6572

July 14, 2009

Sami Real, Planning Manager
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Re: Merriam Mountains Project (TM 5381)—Evacuation Plan and Analysis

Dear Ms. Real:

This letter will confirm the substance of our meeting on July 7, 2009 regarding the proposed Merriam Mountains Project ("Project") and the County's analysis of the potential evacuation of future residents from the Project in the event of a wildland fire.

As you know, except for a very small portion of the proposed development, the Project lies entirely within the jurisdiction of the Deer Springs Fire Protection District ("District") and the District is the main Fire Authority Having Jurisdiction ("FAHJ"). In this capacity, the District has sent two comment letters on the Draft and the Recirculated Draft Environmental Impact Report (collectively the "REIR") the County has prepared for the Project. Both of the District's comment letters raise, among other things, significant concerns about the safe evacuation of future residents from the Project and request that the County, as part of the REIR, analyze the evacuation issue, including requiring the developer to prepare an evacuation plan. Our meeting last week was to discuss these concerns and comments.

It is and remains the District's position that the County must analyze the ability to safely evacuate future residents from the Project as part of the REIR. The relevant threshold of significance for risks associated with wildland fires asks whether the Project would "[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands." Without an analysis of how and how quickly future residents could be evacuated from the Project, there can be no true analysis of whether the Project satisfies this threshold. Using existing traffic simulation models as well as applying available standards, the County could conduct this analysis and reach a fully informed conclusion about whether the Project would "expose people or structures to a significant risk of loss, injury or death involving wildland fires"

For example, at our meeting, we discussed with you information about evacuation issues contained in the Unified San Diego County Emergency Organization Operational Area Emergency Plan, Annex Q, Evacuation, dated April 2007. This Emergency Plan contains a template for evacuation plans and information about evacuation times given different road

JUL 15 09 AM 11:14

capacities. The County already has significant information regarding future traffic from the site. Using this available information, the County can and should conduct an analysis of evacuation times. Even if, for some reason, the County is unsure about what standard to apply to this information, having the information in the REIR will fully inform the public and the decision makers about the time it will take to evacuate the residents from the Project.

As we understand from the meeting, however, it is the County's position that an analysis of evacuation times from the Project and/or an evacuation plan is not required. The County's position is based upon its belief that there is no existing standard in federal, state or local law for analyzing the issue of evacuation in the case of a wildland fire. In the absence of such a standard, we understand it to be the County's position that it will not conduct an analysis of evacuation times or require an evacuation plan.

As the FAHJ over almost all of the Project, the District reiterates its position that the County must conduct an analysis of evacuation times and require an evacuation plan. Under the California Environmental Quality Act ("CEQA"), the County must analyze the risk of loss, injury or death involving wildland fires and the County cannot simply refuse to conduct this analysis because it cannot find a federal, state or local standard that expressly applies. As the lead agency, the County must fashion the appropriate significance standards from available options and cannot simply avoid impact analysis because no law is directly on point. (See, e.g., *Berkeley Keep Jets Over the Bay Comm. V. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344.) Here, there is ample data regarding anticipated traffic from the Project, road capacity and evacuation times, including information contained in the County's own Emergency Plan, to conduct this analysis and determine the significance of the impact. The District requests that the County conduct such an analysis as part of the REIR and believes that the document is legally deficient and not in compliance with CEQA without that analysis.

The purpose of this letter is to confirm the County's position as expressed at our meeting. If you believe that this letter does not reflect the positions expressed at our meeting, please let me know.

Sincerely,



Robert H. Frey
Board President

C: Eric Gibson, Director
Salvador M. Salazar, Senior Deputy County Counsel
Jeff Murphy, Deputy Director



County of San Diego

ERIC GIBSON
DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
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July 1, 2009

Deer Springs Fire Protection District
Attn: Ernie Marugg, District Fire Chief
8709 Circle R Drive
Escondido, CA 92026

RE: Merriam Mountains Project (TM 5381)
 June 8, 2009 meeting w/ DSFPD, DPLU, and the Merriam Team

Dear Mr. Marugg:

This letter is written to serve as a summary of the meetings that occurred at the Department of Planning and Land Use (DPLU) on June 8th and 24th; see attached attendance sheet for a list of those who attended each meeting. The purpose of these meetings was to discuss the letter dated April 27th, 2009, from the Deer Springs Fire Protection District (DSFPD) titled "The Deer Springs Fire Protection District's Comment Letter" regarding the Recirculated Draft Environmental Impact Report (the RDEIR), for the Merriam Mountains Specific Plan (March 2009)." The topics discussed in the each meeting included the request for an evacuation plan and concerns related to the timing, location, and funding of the proposed fire station.

With regards to the request for an evacuation plan, the Department acknowledges that the issue of being able to safely evacuate residents of a community is a very serious and sensitive issue for all those that are adjacent to, and within, wildland areas. In recognition of this, the Department required the Merriam project to address its compliance with the State and Local Fire Codes, and its impacts in accordance with California Environmental Quality Act (CEQA) through the preparation of a Fire Protection Plan (FPP). In agreement with the letters dated July 28, 2004 from the DSFPD and corresponding letter from the DPLU dated August 19, 2004, together, the DPLU and DSFPD worked closely with the Merriam team to ensure that the FPP and project design adequately addressed all concerns regarding fire hazards and compliance with any applicable fire codes. During this time, joint letters were provided to the Merriam team which included requests for widened roads, secondary access, emergency access, increased areas of fire clearing, and other improvements. The applicant was also directed to remove any discussions pertaining to Shelter-in-Place and Evacuation, recognizing that evacuation planning is a law enforcement responsibility and generally completed on a community wide basis through the Office of Emergency Services.

Merriam Mountains

2

July 1, 2009

Again, while the DPLU understands the severity of the issues related to fire in wildland areas, the Department stands behind the project's methods and conclusions used to address fire hazards. Furthermore, as discussed in the meetings on June 8th and June 24th, the DSFPD and County both recognize that the FPP and project design complies with the applicable State and Local Fire Codes and that there is currently no known requirement for discretionary projects to prepare an evacuation plan. Emergency evacuation plans are prepared on a community-wide basis by the Office of Emergency Services and are executed by law enforcement officials in collaboration with numerous other agencies and departments. It was further discussed, that the implementation of the project will not impede the preparation of a community-wide evacuation plan and that, not only has the project demonstrated that it complies with the State and Local Fire Codes, it provides much needed road and infrastructure improvements (i.e. widening Deer Springs Road from two lanes to four lanes) to the surrounding area that will be helpful in the event of community evacuation.

To further discuss the issue of Emergency Planning in the County of San Diego, the Department of Planning and Land Use is scheduled to meet with Robert Frey, President of the Deer Springs Fire Board, and other representatives of the DSFPD on July 8th.

Lastly, pursuant to the discussion had on June 24th, the Department understands that DSFPD is in favor of constructing the fire station within the proposed commercial area but would like the timing of the construction moved to an earlier phase of the development. As a follow up to this discussion, a meeting has been scheduled for July 8th to discuss the proposed Memorandum of Understanding between the DSFPD and the Stonegate Development, the initial design considerations DSFPD would like to have incorporated into the station and alternative timing for when the fire station should become operational.

I am hopeful that the above summary is an accurate reflection of the meeting. I also would like to thank you for attending these meetings and look forward to meeting again on July 8th. If you have any conflicts with the proposed date and time of this meeting, please contact me at your earliest convenience at (858) 694-3722.

Sincerely,



Sami Real, Planning Manager
Project Planning

e-mail cc:

Joe Perring, Stonegate Development
Mike Rust, Newland Communities
Linda Bailey, Stonegate Development
Glenn Russell, Department of Planning and Land Use
Ralph Steinhoff, Department of Planning and Land Use
Mike Bratton, CAL Fire
Jerry Cannon, Representative on behalf of Deer Springs Fire Protection District
Susan Magdaleno, Deer Springs Fire Protection District

Meeting Record

Project Name (Case numbers)	Meeting Chair	Meeting Date
Memorandum; 3810 04-006	Sami Real	6-8-09

Attendance Roster

[illegible]

Meeting Record

Project Name (Case numbers)	Meeting Chair	Meeting Date
Memiam Hunt	Samir	6/24/09

Attendance Roster

[illegible]



Deer Springs Fire Protection District

8709 Circle "R" Drive
Escondido, California 92026
(760) 749-8001 Fax: (760) 749-6572

April 27, 2009

Ms. Maggie Loy
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

**SUBJECT: The Deer Springs Fire Protection District's Comment Letter
Regarding the Recirculated Environment Impact Report, Merriam Mountains
Specific Plan (March 2009)**

Dear Ms. Loy:

On behalf of the Deer Springs Fire Protection District Board of Directors, I am providing you with the subject document.

We have thoroughly discussed this issue in public session and provide the attached as our official comment letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Frey".

Robert H. Frey
President

C: Deer Springs Fire District Board Members

**The Deer Springs Fire Protection District's Comment Letter
Regarding the Recirculated Environmental Impact Report
Merriam Mountains Specific Plan
(March 2009)
Submitted April 27, 2009**

This is the official comment letter from the Deer Springs Fire Protection District (DSFSP or District) Board of Directors regarding the Recirculated Environmental Impact Report, Merriam Mountains Specific Plan (REIR), dated March 2009. Except for a small 16 acres portion of the site, the Project is within the service area of the District and the District is the Fire Authority Having Jurisdiction (FAHJ).¹

As the FAHJ, the District's comments on fire and life safety must be addressed and the District's requirements must be incorporated into the Project. This includes the District's comments on the Fire Protection Plan (FPP), and, in particular, the District's rejection of it. The District has not ceded its authority as FAHJ and, to the extent the County has unilaterally approved the FPP, the County has usurped the District's lawful authority.² For the reasons explained in this letter, it is the District's position the environmental review of the Project is not complete regarding the issue of fire and life safety.

This comment letter is organized into two major components. The first part sets forth our comments on REIR Chapter 3.0, Significant Environmental Effects of the Proposed Project Which can be Mitigated and Chapter 4.0, Environmental Effects Found Not to be Significant. The second part highlights a fundamental error in the REIR, specifically, its failure to address and to disclose in full issues related to the FAHJ's authority over and position on the FPP. This part also discusses the REIR's failure to address the District's previous comments and revise the Project and analysis accordingly. Taken together, these two parts of our letter demonstrate the REIR does not sufficiently analyze fire and life safety impacts and that, therefore, the environmental document is not in compliance with CEQA.

SPECIFIC COMMENTS ON THE CHANGES REFLECTED IN THE REIR

REIR Chapter 3.0, Significant Environmental Effects of the Proposed Project Which can be Mitigated

On page 3.3-2, the REIR states "The proposed project is not considered to meet the definition of a SIP community and evacuation of residents to a safe location will be the preferred action in the event of a wildfire." The fact that this project is not appropriate as a shelter-in-place (SIP)

¹ The FAHJ is defined as the authority responsible for overseeing the fire protection of a defined geographical area and empowered by California state law to hire employees and utilize specially designated tax revenues from the local community for the express purpose of fire suppression and fire protection. The County defines the FAHJ under Ordinance No. 9670 as: "the designated entity providing enforcement of fire regulations as they relate to planning, construction and development. This entity may also provide fire suppression and other emergency services."

² The District officially put the County on notice that the District had not approved the FPP in a letter dated January 17, 2007. The District's letter was in response to a January 2, 2007 letter from the County notifying the District that the County had accepted the FPP. Neither the County nor the Project applicant has responded formally to the substance of the District's concerns about the FPP and its "acceptance" by the County.

community is stated in the letter from the County Fire Marshal, the DSFPD Fire Chief and DSFPD Fire Marshal to the County dated August 31, 2006. Despite this acknowledgment that the Project is not a SIP community and that evacuation will be the preferred alternative, no evacuation plan has been prepared and analyzed in the REIR. An evacuation plan that addresses a worst case fire scenario must be prepared and analyzed in a recirculated document.

In addition, although section 3.3.1.3.c provides for the expanded use of all lanes to and from the Project for evacuation, the REIR does not forecast how many vehicles could be accommodated during an evacuation nor does it comment on how emergency vehicles would, at the same time, gain access when all lanes are full of vehicles exiting. Without disclosure and analysis of these issues, the REIR is deficient.

The REIR includes additional comments about emergency evacuation, implying that a complete and timely evacuation in all wildfire scenarios is entirely feasible. Noticeably absent from the document is any meaningful quantitative analysis of how the egress roads will function in terms of capacity and number of vehicles that can be accommodated in an extreme wildfire scenario.³ The Project applicant has acknowledged on numerous occasions that the rate of burning would be so extreme to make evacuation impossible in an extreme wildfire scenario, but this is not explicitly stated in the DEIR or the REIR. Without disclosure and analysis of these issues, the REIR is deficient.

The REIR provides that "the number of available lanes and widths of these evacuation routes . . . meet . . . DSFPD standards." The REIR fails to analyze how these evacuation routes would function under extreme fire conditions. Under such circumstances, the District believes these routes will be inadequate because of the speed of the fire and the density of the Project. The DSFPD rejected the Fire Protection Plan precisely because of the very significant risk of injury or death to the residents under such conditions. The DSFPD does not believe that the REIR has presented sufficient information to demonstrate that an orderly or successful evacuation is possible in extreme wildfire conditions. Several of the exit "routes" go right through the danger zone where CDF has predicted the wildfire would burn. The remaining two egress roads both empty only a few hundred feet apart onto the same road, Deer Springs Road. At General Plan build-out, Deer Springs Road will be a grade F failing road that will remain failing according to the County's own traffic analysis (even if the road is widened to four or six lanes). In addition, traffic conditions on I-15 under evacuation conditions are not properly addressed.

The FPP states residents should drive carefully because of the smoke and makes the unsupported assumption that fuel modification along the roadsides will make the roads passable for the many thousands of cars attempting to flee at the same time from a fast-moving wildland fire. There is an absence of quantitative analysis of how many residents can be evacuated successfully in the limited time frame available. Under some scenarios, fifteen minutes is the predicted length of time it would take a fire starting at the base of Merriam Mountain to reach the crest of the mountain, according to the CalFire's own planning scenarios devised for North San Diego County. The omission of this information has resulted in the REIR's failure to provide complete

³ This would be an extreme Santa Ana-driven wildfire. In a document entitled Conceptual Wildfire Life Safety & Sheltering Plan, page 4, this scenario is described as Fire Condition One. This document was prepared for Stonegate's Merriam Mountains Development by the Kelly Day Group, Inc.

disclosure of the potential fire hazards of the project, as required by CEQA.

The REIR does not include an evacuation plan. Nevertheless, the Project will place a dense 2,700-home development in a mountainous, very high-fire severity zone, without analyzing if this highly dense development would result in a problematic evacuation for not only Project residents but also for residents of surrounding communities due to insufficient evacuation routes for the entire region's population in the event of a Santa Ana driven wildfire. Such an evacuation plan must be prepared and analyzed in a recirculated document.

The REIR's statements regarding panic do not specify what would occur during extreme wildfire conditions. Should residents attempt to flee from a rapidly-moving wildfire or should they stay in their homes? If they should flee, where should they go? If they should stay, how is that requirement consistent with the REIR's conclusion that this is not a SIP community? There is no evidence that distributing "educational" brochures and instituting homeowner education programs or discussion groups can ever prepare the 8,000 residents to behave in an appropriate mode in the event of a wildfire on Merriam Mountain, particularly when the Project description and REIR do not address appropriate actions to be taken.

Section 3.3.1.c also assumes the Deer Springs Fire Safe Council (DSFSC) will work with the Merriam Mountains Homeowners' Association to provide educational materials and community-based public education materials and collaboration with the DSFSC. The DSFSC is an all-volunteer private organization organized under 501(c)(3) and has established no formal affiliation with the Merriam Mountains project. Please see the letter from the DSFSC addressing this issue (Attachment A).

Page 3.3-2 provides estimates of mitigation fees for one-time capital improvements and annual standby/availability fees, but does not comment on how these fees would be metered out over time and how the Fire District would be held "revenue neutral," not only during the 10-year plus extended construction period but also upon build-out. The REIR's analysis on this point is inadequate and not in compliance with CEQA. The REIR should analyze a full range of funding options, including, without limitation, a development agreement between the Project applicant and the District, the possible establishment of a Community Facilities District (CFD) or other local funding source to pay for the facilities and operational costs to provide fire and life safety services to the Project. A mitigation measure should be included to require the Project applicant to hold the District revenue neutral. Existing residents of the District should not be required to pay for the fire and life safety services needed to protect the Project.

REIR Chapter 4.0, Environmental Effects Found Not to be Significant

On pages 4-13 and 4-14, section 4.1.1.1.a, the REIR assumes Station 11 (formerly Station 1) and Station 12 (formerly Station 2)⁴ are positioned to serve the Project at its build-out of 2,700 residences and its commercial development. This assumption is not supported by evidence. The District is in the process of developing a Standards of Cover to ascertain necessary resources and their deployment as they relate to this Project. We will have this plan completed soon. The

⁴ At the request of CalFire, the Deer Springs Stations have now been renumbered 11, 12, and 13 replacing the previous numbers of 1, 2, and 3. This letter uses the current numbering system and the REIR should as well. In addition, the REIR should note Station 3 is now completed and fully operational.

County should wait until this plan is completed by the FAHJ before finalizing the environmental analysis. Based upon this plan, additional review and recirculation may be required.

Section 4.1.2.3.a on page 4-25 is inconsistent with the previous paragraph in that 4.1.1.1.a states the current stations are sufficient to cover this project whereas this section talks of funding and constructing a new station on Project property. In any case, as the FAHJ, the District must be the entity that determines the location and capability of any new or rehabilitated facility, equipment, and staffing. The REIR should contain such a mitigation measure or the Project description should be revised based upon the FAHJ's designation of a preferred location for the new station.

We agree with the objectives cited on pages 4-34 and 4-35 Guideline 2: Maintain Acceptable Service Ratios or Response Times, as noted in section 4.1.2.3. However, to accomplish the targeted response times, the REIR must rely upon the FAHJ's study to ascertain how best to accomplish them. Without that information, the REIR is deficient.

ISSUES THAT SHOULD HAVE BEEN BUT ARE NOT ADDRESSED IN THE REIR

While we recognize only those portions of the REIR which have changed, or been added, from the Draft Environmental Impact Report (DEIR), dated August 2007, are to be addressed at this time, there are at least two major issues raised by the REIR's lack of response to fundamental issues raised by the District.

Fire Protection Plan (FPP)

After notification by the Department of Planning and Land Use (DPLU) that it had accepted the Merriam Mountain FPP in a letter dated January 2, 2007, the DSFPD informed DPLU of its formal rejection of the Merriam Mountains Fire Protection Plan (FPP). Attached is a copy of the District's letter dated February 2, 2007 (Attachment B). No mention of this letter is made either in the Merriam Mountains' DEIR or the REIR. The failure to include this information in the REIR makes the REIR deficient.

In the REIR there is no mention the Deer Springs Fire Protection District (the FAHJ) officially rejected Stonegate Merriam Mountain's FPP. The failure of the REIR to make a good faith effort at full disclosure (which was also pointed out in response to Merriam Mountains' DEIR) is in violation of CEQA. Section 3.3.1, in the REIR, Wildfire Hazards, states: "The purpose of the FPP is to generate and memorialize the fire safety requirements of the County of San Diego, DSFPD, and SMFPD as applicable." Because the DSFPD rejected the FPP, it is misleading to state the FPP for the Project memorializes the requirements of DSFPD.

In conclusion, it is our position that DPLU usurped the lawful authority of the Deer Springs Fire District to act on the Merriam Mountains FPP by preemptively accepting it in a letter dated January 2, 2007 without the necessary adjudication by the appropriate FAHJ, namely the Deer Springs Fire District. By this action, DPLU has placed the District at risk by making it vulnerable to legal action should the FPP not prove adequate in the event of a wildfire.

Other Issues Not Addressed

The REIR fails to address the other issues raised by the District in its February 2, 2007 letter as deficiencies noted in the DEIR. This failure to address the issues raised by the District makes the REIR itself deficient.

CONCLUSION

For all the reasons set forth in this comment letter, the District believes the REIR is inadequate. The District believes the REIR must again be revised and recirculated. Among other things, the document must be revised to address or analyze:

1. An evacuation plan that addresses a worst case fire scenario.
2. Evacuation under extreme wildfire conditions, and the ability of the traffic infrastructure to perform under these conditions.
3. Panic conditions and ways to mitigate panic.
4. The effects of education on panic and evacuation.
5. Revenue neutrality issues with the District.
6. The District's Standards of Coverage and preferred location for the new fire station, equipment, and staffing to achieve response time requirements.
7. The District's role as FAHJ.
8. The District's position on the FPP and the status of the FPP, i.e., the District has rejected the FPP.

ATTACHMENT A

Letter from Craig C. Cook, President, Deer Springs Fire Safe Council

Dated March 26, 2009



Serving the communities of Castle Creek, Champagne Village, Deer Springs, Hidden Meadows, Jesmond Dene, Rimrock, W. Lilac, and the Welk Resort

DEER SPRINGS FIRE SAFE COUNCIL

P.O. Box 46007
Escondido, CA 92046-0097
1 760 749-3220

www.DeerSpringsFireSafeCouncil.com

March 26, 2009

The Deer Springs Fire Protection District
Board of Directors

Dear Board of Directors

The Deer Springs Fire Safe Council (DSFSC) has received the Merriam Mountains Project Environmental Impact Report and would like to respond to Section 3.3 - Significant Environmental Impacts – “Hazards and Hazardous Materials”.

The Merriam Mountains Project (MMP) sits predominately within the DSFSC recognized boundaries. The MMP states *“the Merriam Mountains HOA will work with the DSFSC to establish a branch of the Fire Safe Council to actively promote fire preparedness within the Merriam community”* and will *“provide evidence the Merriam Mountains HOA has joined the DSFSC prior to the recordation of the first map”*. Further, it states, *“the project intends to work with the DSFSC and the applicable law enforcement agencies in the development of a community-wide Community Protection and Evacuation Plan”*.

As you know, the DSFSC is a 501 (c) 3 non-profit volunteer organization operating solely on contributions from the community, business leaders and grant awards. Consequently, the Council has limited resources available in personnel and money to serve the greater community and meet its mission to:

“...preserve lives, property and natural resources by mobilizing all members of our community to make our neighborhoods fire safe”.

The DSFSC is not in favor of establishing a branch within Merriam Mountains HOA. Rather, the DSFSC would provide the same educational services to the HOA as it does for the rest of the Deer Springs community, pending available resources. Should the project be approved as submitted, the MMP should assure the County, our community and the Council that dedicated personnel resources are made available to the Council from the Merriam Mountains HOA on a continuing basis year-after-year to assure that the Council's and the MMP's goals are met regarding fire preparedness. We recommend that at least one Board Member from the Merriam Mountains HOA sit on the DSFSC Board. Further, the HOA should support the Council's efforts by communicating to their members that we are a non-profit volunteer organization funded by donations and actively campaign for assistance from their neighborhood.

If the MMP is in agreement, these commitments should be incorporated in to the project's recorded documents, if appropriate.

The DSFSC looks forward to continuing its vital mission to the greater Deer Springs Fire Protection District community and its residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig C. Cook". The signature is stylized with a large, sweeping "C" and "K".

Craig C. Cook

President

Deer Springs Fire Safe Council

ATTACHMENT B

Letter to Gary L. Pryor, Director, CPLU
Dated February 2, 2007

Date: May 1, 2009

DRAFT

To: Curt Grieve, Kelly-Day Group

From: Gerald Cannon, Consultant for the Deer Springs Fire Protection District

Subject: Response to REIR and Mitigation of Adverse Impacts of Development

Based on direction from the Deer Springs Fire Protection District Board through Ernie Marugg, Fire Chief, I am summarizing the issues remaining in the latest EIR. These issues should be resolved to the satisfaction of the Board before they would consider granting any acknowledgment to the County of San Diego that the DSFPD will offer service to the Merriam Mountain Development. The inserting of an urban community in a high hazard wildland area creates several impacts to the DSFPD which have not been fully addressed to date.

1. Ingress/Egress improvements and evacuation plans must be made for the development .
2. Community Facilities Districts must be established for the brush mitigation areas titled Zones 1, 2A, and 2B inside the development and for the designated open space areas so that funding is available to maintain these areas as approved by the DSFPD. In addition the CFD within the development should provide for funding for annual public education by the DSFPD of that community about wildland fire hazards, proper mitigation of hazards, and emergency procedures.
3. The scale and population of the development requires that it have its own fire station within the development neighborhoods, not in the lower commercial area. The station should be properly sited for equalized emergency response times throughout the development. The station and site shall be of adequate size to accommodate current and future needs of the DSFPD. The fire station shall have an apparatus area that is two bay double deep with drive through capability. The station shall have one type one engine, one type three brush engine (cross-staffed), and one medium rescue squad with light and air capabilities. The living quarters shall be designed to house eight personnel, separate chief officer quarters, an administrative/fire marshall office, and a training/conference/community meeting room. The site and station shall be developed and built by the developer (or successors) and approved by the DSFPD. The developer (or successors) shall provide funding for staffing of the station to the standards of the DSFPD until such time that the taxes and fees collected are sufficient to cover staffing and operating expenses of that station. The developer (or successors) shall have in place appropriate bonding/surety to guarantee the station is completed, equipped, and staffed.
4. The Fire Station in item 3 above shall be built, equipped, and staffed before delivery of any combustibles being moved onto the project.

Please contact me so that we can move forward in resolving these issues.

Fire



GARY L. PRYOR
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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February 20, 2007

Board of Directors
Deer Springs Fire Protection District
8709 Circle "R" Drive
Escondido, California 92026

Dear Sirs and Madam:

I am in receipt of your letter dated February 2, 2007 regarding the Merriam Mountains Fire Protection Plan. Your comments have been placed in the project file. In addition, when the Draft Environmental Impact Report (DEIR) is ready for public review, a copy will be forwarded for your Board's review and comment.

Sincerely,

A handwritten signature in dark ink, appearing to be "G. Pryor", written over a horizontal line.

GARY L. PRYOR, Director
Department of Planning and Land Use

GLP:GR:jcr

AUTHOR07\RPLTRGR1-0207



**Deer Springs
Fire Protection District**

8709 Circle "R" Drive
Escondido, California 92026
(760) 749-8001 Fax: (760) 749-6572

February 2, 2007

Mr. Gary L. Pryor, Director
County of San Diego Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Mr. Pryor:

The DSFPD Board unanimously rejected the Merriam Mountain Development's Fire Protection Plan during its Board meeting on February 2, 2007.

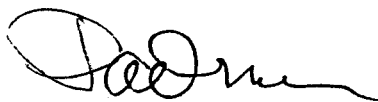
In sending this decision to you, the DSFPD Board wants to emphasize that as the elected representatives of the Deer Springs Fire Protection District, we are charged with the responsibility and jurisdiction (Fire Agency Having Jurisdiction) for fire safety issues in our community, which includes the responsibility to approve or reject fire protection plans within our District. This ruling, in particular, incorporated copious amounts of research and expert advice. As you well know, all elected officials vote on technical issues without being technical experts, and their votes are respected as reasoned and sound.

Unfortunately, our Board was not consulted before DPLU allowed that the Merriam Mountain project could proceed. While you may not agree with the DSFPD Board's vote rejecting the Fire Protection Plan for the Merriam Mountain project, our Board stands behind this vote and the validity of our vote for the reasons noted herein.

Please review this document and respond in writing to the DSFPD Board within ten (10) working days.

Thank you in advance for your cooperation.

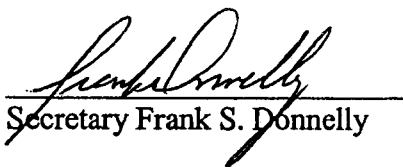
Board of Directors
Deer Springs Fire Protection District



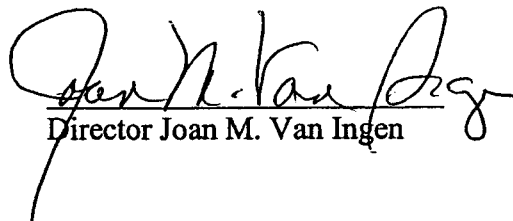
President Peter A. Orner



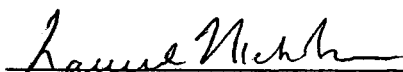
Vice President Robert B. Tebbs



Secretary Frank S. Donnelly



Director Joan M. Van Ingen



Director Laurel Nicholson

cc: Supervisor Bill Horn
Supervisor Pam Slater-Price
Supervisor Dianne Jacob
Supervisor Greg Cox
Supervisor Ron Roberts
Walter F. Ekard, Chief Administrative Officer, San Diego County



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ACTION ON THE DECEMBER 9, 2006, MERRIAM MOUNTAIN DEVELOPMENT'S FIRE PROTECTION PLAN

The Deer Springs Fire Protection District (DSFPD) Board, an elected body specifically charged with representing the community on fire safety issues, **unanimously rejects** the December 9, 2006, revised Fire Protection plan for the Merriam Mountains development due to the following reasons:

(1) Stonegate's Merriam Mountain Fire Protection Plan calls for "relocation to pre-designated safety zones (park/commercial Areas) within the project area."

In the opinion of the DSFPD Board, there is no safety rationale to relocate up to 13,000 residents in an outdoor park during a rapidly-moving firestorm. The fact that people are forced to "relocate" already suggests the fire is upon them. Additionally, it is unrealistic that infants, children, the handicapped, the elderly and the medically compromised can find these "pre-designated safety areas" in the midst of smoke, heat, embers, and fire.

The commercial property mentioned is not designated, and questions arise whether any commercial building will hold up to 13,000 residents in the case of an approaching fire. Making this supposition all the more difficult, the commercial properties will be located near Deer Springs Road, requiring most residents to drive, clogging the fire roads, in order to reach any commercial property.

(2) The words "Shelter-in-Place" and "Defend-in-Place" are deliberately deleted from Stonegate's Merriam Mountain Fire Protection Plan, but these concepts are implicitly used throughout the Plan.

In the letter dated August 31, 2006 signed by Fire Chief Bolton, Fire Marshal Magdaleno and County Fire Marshal Dawson, item #23 states: "Furthermore, the DSFPD Fire Chief and County Fire Marshal's Office **do not consider this site as appropriate for "Shelter-in-Place" or "Defend-in-Place."** In item #35, the letter reiterates: "Shelter or "Defend in Place" is **not an appropriate concept for this project.**"

Yet, Stonegate's Merriam Mountain Fire Protection Plan uses this very concept by suggesting that residents "quickly relocate to pre-designated safety zones" in a worse-case Santa-Ana wind-driven wildfire scenario. There is no time for evacuation based on CDF scenarios and by the developer's own admission. Therefore, the residents on Merriam Mountain must stay and apply the **concept** of Sheltering-in-Place since there is no time to leave.

The Plan claims to predict the behavior of fire. It states that the fire will not threaten the residents, claiming it will "bump into the outer edge of the FTZ." Again, this statement implies the application of Shelter-in-Place. Various fire scenarios are mentioned in which the

winds come from the west side of the I-15 corridor or the southwest, and again, the Merriam Mountain Fire Plan assumes residents are Sheltering-in-Place. In all of the above cases, there is not adequate time for the residents to evacuate. The Plan implicitly and continually uses the concept of Shelter-in-Place but deletes the term itself.

(3) Stonegate's Fire Protection Plan fails to deal with the effects of smoke.

Smoke is known to cause up to 80% of deaths due to wildfire. This especially affects infants, young children, the elderly, asthmatics, and those with pulmonary disease. The Plan admits that smoke and diminished air quality will be the primary impact to residents attempting to leave Merriam Mountain during a fire threat.

(4) Stonegate's Fire Protection Plan claims there will be no loss of life and no loss of structures even during a Worst Case wildfire scenario.

In the revised Merriam Mountain Fire Protection Plan, there is no mention of what the residents are supposed to do in wildfire scenarios that do not allow for a timely evacuation. The Plan discusses FTZ's, "fire-safe" construction, etc. but these measures are meant to help protect the *structures*. Yet, the duty and obligation of the State and the Deer Springs Fire Protection District Board is to protect *life* as well as property, and this must be addressed directly by the Plan.

The revised Fire Plan suggests that in a "worst case scenario," fires starting along I-15 would be controlled quickly. However, in the opinion of the DSFPD Board, responsible planning should *never* assume that fires on Merriam Mountain or elsewhere will behave in a controlled way. The Plan states that Stonegate's Merriam Mountain project is designed to "free up" firefighters and allow them to go elsewhere. This thought is not supported by experience or data. Wildfires behave unpredictably and often create their own weather systems with shifting winds. The deaths of five highly experienced firefighters in the recent Esperanza fire attested once again to that unpredictability.

(5) Stonegate's Fire Protection Plan focuses on saving structures, not lives.

The Plan talks about structures meeting the applicable fire codes, as though it is only a question of preserving structures. Since CDF fights only wildland fires in State Responsibility Areas (SRAs), it is oriented towards saving buildings (because wildland areas are typically sparsely populated). All residents are presumed to have been evacuated. In the case of the Stonegate project (up to 13,000 people), that will be impossible.

Article 86a of the Uniform Fire Code mentions that within its scope is the protection of life. Even if a structure manages to remain standing, often the occupants inside will not survive. Buildings survive smoke, radiant heat and even flames better than human beings. Many of the occupants, especially the very young, the elderly and people with medical problems, will not survive.

(6) Stonegate's Fire Protection Plan fails to address Evacuation Planning.

Since that it is acknowledged that Shelter-in-Place is not appropriate, how are residents supposed to leave the development in case of fire? The DSPFD Board acknowledges that an actual evacuation during a fire is the responsibility of the police and highway patrol. According to the Office of Emergency Services, however, law enforcement is involved only *after* a project is built. It is the responsibility of the DSFPD Board to determine whether it is possible to evacuate a proposed project in a timely fashion *before* that project is approved for building.

Stonegate has already stated it will be impossible to evacuate Merriam Mountain residents under certain fire conditions. To choose a rugged, mountainous site with limited infrastructure in a high fire severity hazard zone with no provisions for timely evacuation shows a serious lack of safety consideration.

Given the CDF scenario entitled "the Merriam Incident," a wildfire on the Merriam Mountain is predicted to be intense, extremely fast-moving, highly destructive and virtually impossible to control. Given the density of the Stonegate development, timely evacuation well ahead of the firefront (an essential element of responsible planning) will be impossible.

(7) Stonegate's Fire Protection Plan claims to dispel anxiety and panic.

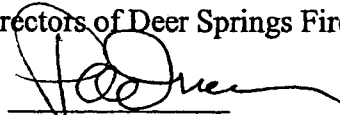
The developer states that a "public education program" accomplished through a Stonegate Homeowners Association and Stonegate Fire Safe Council will dispel panic and anxiety. No project of this size has ever experienced a wildfire without residents being able to evacuate in a timely fashion. The DSFPD Board does not believe any tools available today will stop panic and the desire to flee, which will be difficult with the development's limited egress. Panic will not be mitigated by "public education programs" or any other "enhanced tools" that the developer provides.


(8) Six-foot-tall non-combustible walls will not stop a fast-spreading fire.

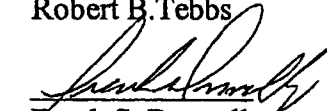
Ember storms accompany wildland fires and pose serious problems for causing additional ignitions. Embers can travel up to 42 miles, carrying sufficient heat to cause ignition where they land. Ember storms are wind-driven, with firebrands swirling and raining down from the sky. They are not contained by a wall of some arbitrary height (i.e., 6-foot-tall) nor, for that matter, would they be deflected by a wall several times that height.


Date: February 2, 2007

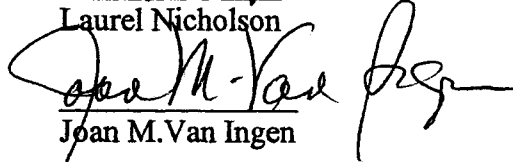
Signed By: Directors of Deer Springs Fire Protection District


Peter A. Orner


Robert B. Tebbs


Frank S. Donnelly


Laurel Nicholson


Joan M. Van Ingen



GARY L. PRYOR
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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January 2, 2007

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road Suite B
San Diego, CA 92123

Attn: William Stocks

TM 5381 Stonegate – Merriam Mountain Fire Protection Plans

County Fire Services staff reviewed the Fire Protection Plans (FPP) for both Deer Springs FPD (dated December 9, 2006) and San Marcos FPD (dated September 14, 2006). These plans have met the spirit and intent of both the County Fire Code and the California Fire Code. Fire Services staff agrees that the FPP's adequately identify the potential risks and those measures necessary to minimize and mitigate the risks.

Therefore, County Fire Services staff approves both the Deer Springs FPD and San Marcos FPD Fire Protection Plans.

Sincerely,

Ralph Steinhoff, Fire Service Coordinator
Department of Planning and Land Use

Kenneth J. Miller II, Fire Services Coordinator
Department of Planning and Land Use

RS:lh

CC: Chief Ned Nickerson
FM Matthew Erna
Richard Montague
✓ Joe Perring

RECEIVED

JAN 05 2007



GARY L. PRYOR
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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Deer Springs Fire Protection District

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October 23, 2006

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road Suite B
San Diego CA 92123-1666

Attn: William Stocks

Ref: **TM 5381 Merriam Mountain - Stonegate**
Deer Springs Road - Welk Court
Deer Springs Fire Protection District

Following are the Deer Springs Fire Protection District and County Fire Marshal's Office comments regarding the subject Tentative Map. The map was reviewed jointly in an effort to avoid conflicting requirements and to streamline the review process.

Requirements are based on the California Fire Code, County Fire Code and Deer Springs Fire Protection District Fire Code, along with nationally recognized standards and practices.

These are preliminary comments primarily because the applicant was not able to provide an updated Fire Protection Plan for us to review concurrently. It was also the

first opportunity that DPLU Fire Section has had to review the Tentative Map. A revised Fuel Treatment Plan dated October 11, 2006 was received prior to these comments.

FIRE JURISDICTION

The subject property is almost totally within the Deer Springs Fire Protection District, which provides structural and wildland fire protection, and emergency medical services on a year-around basis. Wildland fire protection is provided by the California Department of Forestry and Fire Protection.

IMPACT

This project has a significant impact on the delivery of fire services in the area. Mitigation is required in several forms, including fire station facilities and apparatus, on-going staffing, on-going monitoring of fuel management and landscaping standards, with an approved funding mechanism in place for the life of the project. (see primarily our comment #37 of our August 31, 2006 letter)

Additional impacts, such as access, fuel (brush) modification, and water supply, are identified below.

FIRE ACCESS ROADWAYS - Road design

1. Note: Some specific road requirements will be outlined in the Fire Protection Plan when it is approved.
2. Lawrence Welk Lane redesign appears to meet fire code requirements for maximum dead end length (CCR T-14 1273.09)
3. Cross section "B2" with a paved width of 48' is indicated from Deer Springs Road to a point about 1200 feet north of center line Deer Springs Road, but changes to "C2" with a paved width of 32' shortly thereafter. Previously the developer agreed to B2 dimensions (not less than 48' – four 12 foot travel lanes) to road 3-1-A (south side neighborhood 3), for safety of evacuating residents.
4. Widen Meadow Park Lane to four travel lanes from Deer Springs Road to Merriam Mountain Parkway.
5. Provide transitional curbing (mountable or rolled dikes) on center median Merriam Mountain Parkway and traversable median (capable of supporting the imposed load of fire apparatus – 50,000 pounds – but not necessarily paved). It may be acceptable to provide periodic points where the median is traversable – please make a proposal.
6. Road width: Eliminate "F2" width option even though it may be allowed by DPW for residential cul de sacs – REASON: lot size and parking constraints. Use of 32' improved width does NOT permit parking on one side (but allows parking on the other side). Widen F2 streets to G2 width. (Note: no parking permitted in cul de sac of 36' improved radius.) In small lot subdivisions, parking is at premium –

RECOMMEND a minimum 36' improved width on all non-collector residential streets.

7. Establish an Irrevocable Offer of Dedication for Camino Mayor.
8. Show road improvements on Camino Mayor of not less than 32' improved width on-site and off-site to the public way (Twin Oaks Valley Road)
9. Off-site Lawrence Welk Court: Widen paved width to not less than 32' in all areas where it is not currently at least that wide from project boundary to Champagne Blvd. This is an access/evacuation route and cannot have bottlenecks.
10. Some form of roadway serves lots 187—200 and 203—209. We did not see a cross-section on sheet 2. Width should accommodate parking, as small lots generate vehicles, too (not less than 36' improved width).
11. Where parking is prohibited (all roads narrower than 32 feet, and one side of roads less than 36 feet wide) the road must be posted with standard signs stating NO PARKING - FIRE LANE per CVC 22500.1.
12. Where absent, the percent grade of roadways and driveways must be shown on the plan, along with paving material: an approved all-weather surface capable of supporting the imposed loads of fire apparatus (not less than 50,000 lbs.) All paving and sub-base shall be installed to the standards specified in Section I-M of the County of San Diego Off-street Parking Design Manual
13. No construction involving combustible materials on the subject property can take place until fire access roads are installed and fully meet code requirements. (Exception: If prearranged with the fire authority having jurisdiction, asphalt paving may be installed with the exception of the final lift, which may be postponed until just before building final if desired for roadway cosmetic purposes.)

FIRE ACCESS ROADWAYS - Gates

1. Show Camino Mayor gate and turnarounds (36' radius cul de sac) on both sides (or DPW standard gate turnaround options)

Define gate functions:

- East side of gate shall have a "push" button at panel
- Knox key-operated switch for following jurisdictions: (Deer Springs FPD, San Marcos FD, Sheriff SM)
- Opticom (emergency vehicle strobe light)
- emergency service radio frequencies-operated override

NOTE: Deer Springs Fire Protection District requires that the Camino Mayor access be open to all traffic at all times.

2. Show Lawrence Welk Lane gate
Define gate functions:
 - Meet County and DSFPD gate policies
 - *Knox key-operated switch for following jurisdictions: (Deer Springs FPD, San Marcos FD, Sheriff SM)*
 - *Opticom (emergency vehicle strobe light)*
 - *emergency service radio frequencies-operated override*

FIRE ACCESS ROADWAYS – turnarounds

1. Dead-end fire apparatus roads more than 150 feet in length, including private driveways, shall be provided with approved means for turning the fire apparatus around. Turn-arounds must not be used for parking of vehicles, or otherwise obstructed. (List of driveways in estates area provided 9/20/06.)

BUILDING PAD LOCATION ON LOT

1. Structures, including projections, shall be located not less than 30 feet away from property lines, measured perpendicular to the subject property line, unless they meet exception criteria established by the County DPLU. [County Fire Code § II-A, 25.2]

FUEL MODIFICATION ZONE- & maintenance / fire fighter access to

1. Easements for access to lot perimeter fuel management areas are to be per DSFPD Fire Marshal Susan Magdaleno's mark-up.
2. Show vegetation management "brush management easement" along Camino Mayor. Dimensions should be same as Lawrence Welk Court.
3. Show vegetation management "brush management easement" on west side of Lawrence Welk Lane.

FIRE PROTECTION PLAN

1. Review of revisions and modifications outlined in our joint letter of August 31, 2006 have not been received at the time of preparation of these comments, and may have a bearing on the Tentative Map.

FIRE PROTECTION – sprinklers

1. New residential buildings and garages shall be sprinklered to NFPA 13-D with enhanced standard (4 head calculations and attic coverage) and meet County of San Diego (or local fire protection district) standards. Multi-family and commercial buildings shall be sprinklered to appropriate standards with enhanced coverage (propose enhancements appropriate for this area).

FIRE FLOW – water supply – municipal

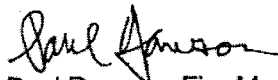
1. Show hydrants and turnouts on Camino Mayor – spacing per Deer Springs FPD.

2. Code requires 300 foot spacing in commercial and condo areas in addition to cul de sacs and intersections. As alternative to specifying hydrants along commercial and condo roadways, provide hydrants at this time at intersections, and cul de sacs, with additional hydrants required at time of site plan submittals, including on-site and on public roads.
3. Hydrants in commercial and multi-family at 300 along road (with additional interior hydrants required at time of commercial and multi-family site plan submittals.)
4. Sheet 16 of 18: Show fuel management easement in vicinity of area 1200 feet north of Deer Springs Road/ Meadow Park Lane.
5. In hazardous fire areas the required fire flow in the water mains is not less than 2,500 gallons per minute.
6. Hydrants shall meet County standards identified at Fire Code section 903.4.2.2.2.

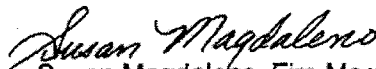
BUILDING PLAN REVIEW (Informational only)

1. Submit building plans for plan check for fire code compliance by Fire Services Coordinator office (County Fire Code, California Fire Code, California Building Code) for elements including (but not limited to):
 - Class A roofing
 - Non-combustible exterior walls
 - Dual pane or tempered glazing
 - Vents
 - Eaves enclosed, not vented
 - Smoke detectors
2. Because of topography, vegetation and open space, all structures shall meet the "enhanced" wildland standards in the County Building Code.

Additional requirements, or modification of these points may result from more detailed review. Please call with questions or for clarification – (858) 694-3000.



Paul Dawson, Fire Marshal
for Ralph Steinhoff, Fire Services Coordinator
Department of Planning and Land Use



Susan Magdalenho, Fire Marshal
Deer Springs Fire Protection District



Deer Springs Fire Protection District

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GARY L. PRYOR
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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August 31, 2006

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road Suite B
San Diego CA 92123

Attn: William Stocks

Ref: TM 5381 **Fire Protection Plan**
 Stonegate - Merriam Mountains - Deer Springs FPD

The subject Fire Protection Plan (FPP) dated "*Revised Final - May 2006*" was concurrently reviewed by Deer Springs Fire Protection District staff and County Fire Marshal's office for consistency with California Fire Code Article 86. The review of FPPs is limited in scope to issues directly related to CCR Title 24 part 9, Article 86. This review does not deal directly with fire-related issues from a CEQA perspective (although CEQA issues parallel FPP and fire code issues to an extent.)

Several broad issues are outlined, followed by specific corrections and clarifications.

- The FPP should address how the burden of the project on fire services delivery in the area (fire suppression, emergency medical services, etc.) will be mitigated in terms of additional station, engine and on-going staffing, funded in perpetuity.
- The FPP should include several paragraphs of narrative on how fire is expected approach the project, and how the FPP-recommended design would avert public panic.
- The Plan should address the General Plan non-conformance issue of response time from San Marcos Fire Department to their portion of the project. (And the fuel modification map should show the jurisdictional boundary.)
- A canyon climbing up from the north east to the general vicinity of lot 710 represents a chimney creating increased threat that does not appear to be adequately mitigated. In addition, ladder fuels should be addressed in canyon to preserve oaks.
- Major roads to the south (Merriam Mountain Parkway and Meadow Park Lane have reduced travel lane width and could easily become blocked by an accident, making evacuation or fire access more difficult.
- North Tank Road / Lawrence Welk Court bottlenecks north and east of the project boundary. Address how road width will be improved to match on-site width and carrying capacity
- Fuel modification for the North Tank Road and it's downhill extension is not consistent with flame length calculations, probable smoke and ember storm affect on public evacuation (potential panic). Furthermore, no fuel modification is addressed for the off-site extension to Champagne Boulevard.
- Both southbound roads empty onto Deer Springs Road. Address improvement to full planned width from I-15 to San Marcos City Limit to coincide with tract development.

We believe that by creating islands and fingers of wildland ("intermixing") within dwelling areas, exposure to wildfire has been increased. We recommend that native vegetation islands and fingers through the housing area be eliminated, and active agriculture be established on the perimeter, thus reducing fire threat and requiring fewer engines for fire protection.

We have considered the impact of a Santa Ana wind-driven fire advancing on a broad front from the east, attacking the bulk of the housing. We suggest that significant safety improvement could be obtained by converting wildland to irrigated active agriculture planted south from a straight line drawn generally from the northern extreme of lot 721 thru the northern point of lot 522 and continuing straight to the easterly property line at CalTrans property to the south project line. Similar treatment is suggested for the west and south exposures. Irrigated and well-maintained agriculture would significantly improve the safety of homes and the Merriam Mountain Parkway evacuation/access route.

In addition to the above, we request the following specific corrections, modifications or clarifications to the FPP:

Project Identification

Please provide the following information on the first page:

County project number	(TM 5381)
Plan title	(Fire Protection Plan)
Version date	
APN Assessor Parcel Number	(primary/largest parcel)
Fire Authority Having Jurisdiction	(DSFPD)
FPP preparer(s)	(names of individuals)
Elements each prepared (if multiple preparers)	

Version Identification

Identify each new version by the specific date prepared or updated. Several versions are in circulation which have somewhat different content but are identified by the same date.

Code Reference

1. Modify the final code reference at the bottom of page 1 to read: "... Ordinance 9669, including Appendix II-A Sections 16 and 17... and California Code of Regulations Title 14 Section 1270 (and forward) "SRA Fire Safe Regulations"

Flame Length

2. On page 5, modify last paragraph text "...the fuel modification buffer shall be approximately at least double the flame length..."
3. Provide all inputs for BeHave calculations. Provide contour maps and worksheets indicating how slope (marked on contour map), run, wind direction, other weather factors, etc were determined for all modeling calculations.
4. On page 8, below Table 2.3.9, modify the "Conclusion". "In the opinion of the fire consultant this Fire Protection Plan provides ~~more than~~ adequate level of fire protection for this project." Please make it clear that this treatment applies to every residential lot.

Fire Resistant Plant Palette

5. The plant list is to be approved by the County DPLU landscape architect. We would prefer reference to the County-approved list, with the consultant proposing additions or deletions to that list.
6. Page 8, end of paragraph, add "... are properly maintained by May 1 of each year, or as required by Deer Springs Fire Protection District."

7. On page 8, under "3.0 Assessing Structure Ignition..." Please indicate after the first sentence that the BeHave model used here does not address windblown embers.

Fire Department Response Times

7. On page 9, third paragraph, modify text to less absolute: "...Mountains Development with a significantly higher degree of protection from wildfire than many other existing communities in the north county area."

Road Construction and Fuel Modification Descriptions...

Road Construction and Fuel Modification Timing

8. On page 9, fourth paragraph, modify the last sentence: "Prior to delivery of any flammable combustible building materials (e.g. lumber drop) on any building site, all major roads for the development (all major entry/evacuation routes) and those serving the lot shall be in place, fully functional and accepted by the Deer Springs Fire Protection District Fire Marshal. In addition, the fuel modification buffer (vegetation management) along those roads, and around that neighborhood area shall be in place, and shall be maintained.

Fuel Modification Zone 1

9. On page 9, section 5.1.1 Defined: Please omit part of first sentence, as it could be misinterpreted. "Zone 1 is the area immediately adjacent to each and every home/structure ~~circumscribed by the fuel modification buffer.~~" Please emphasize that Zone 1 applies to every residential lot, not just those on the perimeter circumscribed by fuel modification buffer.
10. Clarify that "Zone 1" also includes interior areas between lots shown as white on Fuel Treatment Location Map

Fuel Modification Zone 2B

11. Starting on page 10, section 5.1.3 "Defined", please verify the number of exceptions shown on the 7-05-06 map. It appears that there are six exceptions (not five) with four (not three) on the west side. In that same paragraph, please revise the reference to section 5.1.9 (appears to be the wrong reference.)
12. Please add at the end of the third paragraph page 11, add: "... will be cut down to 18-inches or less in height, or as required by Deer Springs Fire Protection District. Also modify similar references throughout the FPP that specify particular dates, months or seasons to include the above phrase.
13. Page 11, second from last paragraph, please resolve conflict in lot numbers between Fire Treatment Location Map and the Tentative Map.

14. Consider non-combustible walls on north and west perimeter fuel management zone boundaries. (See "active agricultural zones" proposed east of bulk of housing.)
15. On page 12, section 5.1.5 "Roadsides – Required Landscaping" –Text says: "The first 50 feet shall be treated to Zone 2A standards." Zone 2A is defined in the legend as "irrigated landscaping". Is it intended that all roadways, including North Tank Road, be landscaped and irrigated for the first 50 feet? Please clarify.
16. On page 12, revise third paragraph. Language indicates that within Estate Homes, individual owners will maintain roadside zones. The west side of the road is in the open space easement, not owned by any of the estate homeowners. How will this area be maintained?
17. Increase west side fuel management along estate homes road to twice calculated flame length.

Fire Barrier Walls.

18. On page 11, the FPP suggests six foot tall non-combustible walls at several locations. Provide cross-sections to scale of the terrain, structure and wall location, along with grade at representative points, for proper evaluation of the proposal.

Basic and Enhanced Fire Protection Features Required...

19. On page 12, in the sentence starting "Due to the fact..." please insert the word both before "basic".
20. In the paragraph starting "In addition:" please make the following modification: ~~Even though Fuel Modification zones will extend well beyond 100 feet from each structure,~~ Per Deer Springs Fire Protection District Fire Code, all structures will have interior automatic sprinkler systems that meet..." Fire sprinklers are specifically required by code, not by the extent of fuel modification

Access Points for Fire Fighters and Fuel Maintenance Crews.

21. This subject needs to be discussed in more detail. DSFPD does not approve of of the proposed dedicated access into homeowners' backyards. Preference would be a dedicated easement between homeowners' lots with a minimum width of 10 ft. every 500 ft. or less. These accesses will also be shown on the Tentative Tract Map,

Fuel Treatment Location Map dated 07-05-06

22. The FPP should also address fuel modification on both sides of the road off-site, all the way to Champagne Boulevard. The access road and fuel modification along its entire length is an important factor in delivery of

emergency services and evacuation of residents. Discuss how the project will obtain easements for vegetation management at the same distances from edge of pavement as indicated for the on-site roads, from property owners on both sides all the way to Champagne Boulevard. The fuel maintenance activities would be the obligation of the Merriam Mountain property owners.

Access Routes

23. 5.1.13 states that the "entire project has been designed as a "Shelter In Place" community with Enhanced Building Requirement for all structures and very generous Fuel Modification Zones". Under the County Building and Fire Codes, Enhanced building requirements are mandated for essentially all buildings in the project based on distance to property line (small lot size). We do not believe that meeting this minimum required code level is adequate to create a "Shelter In Place" community. Furthermore, the DSFPD Fire Chief and County Fire Marshal's Office do not consider this site as appropriate for "Shelter-In -Place" or "Defend-in-Place". Please remove the references.
24. The site has a large concentration of residents in a high wildland hazard area served by limited access roads. It seems appropriate that the roads be wider than the minimum required by the fire code to facilitate expeditious movement of vehicles in an emergency. However, that additional space must not be taken up by parking. These wider major roads must be posted NO PARKING – FIRE LANE. The statement should be made in the FPP that Deer Springs Fire Protection District Marshal or Fire Chief should determine how much wider than the fire code minimum is appropriate for major evacuations, given the terrain and road design.
25. All roads where parking would restrict the required fire access roadway width shall be posted with standard NO PARKING – FIRE LANE signs at approved locations. Statement should be in the FPP. Details are to be specified in Tentative Map.
26. "Access" discusses fire access roads only in general terms, as "designed to fully comply with County of San Diego Road Standards." The FPP should go beyond to state that all access roads will meet DSFPD's required widths, ~~identify minimum improved width of designated fire access roads,~~ including paving standards (from the fire code), grade at representative points, obstructions (gates, chains), fire lane posting, street name signs, etc. Details specified in Tentative Maps
27. Add statement that no fire access roadway will exceed 20% grade.
28. Show approved hammerhead turnarounds on estate lots wherever required by code (driveways exceeding 150 feet).

29. No discussion was seen regarding gating of roadways. If proposed, the FPP must clearly describe the gate location(s), design and operational details consistent with the fire code and County gate policy.

Secondary Fire Access Roads (deadends exceeding maximum allowed)

30. Roads identified as "31A" "32A" and "32B" create deadends exceeding code limits. Redesign roads in that vicinity to open the culdesac to the main access road, or otherwise meet County Fire Code and CCR T-14 (section 1273.09).
31. Lawrence Welk Lane exceeds the maximum deadend length. Provide secondary access to the north west, fully meeting all fire code requirements, or culdesac the roadway at 1320 feet (or less) measured from Lawrence Welk Court, providing access beyond that point only to existing parcels.
32. "North Tank Road" and "Lawrence Welk Court" must be name with a single name, approved through the County DPLU Road Naming section.
33. Deer Springs Fire Protection District requests reconsideration of an additional evacuation/access route to the west from the general vicinity of North Tank (alternate route to the north west, south of the once-proposed Rock Bluff Lane.)
34. Provide more detailed maps ("finer" resolution) demonstrating response to applicable items above.

"Shelter-in-Place"

35. In a memo dated May 12, 2006 proponents suggested "Shelter-in-Place" concepts. "Shelter" or "Defend in Place" is not an appropriate concept for this project. (see response #23 above)

Evacuation Route

36. Delete this section entirely. (Evacuation Planning is a law enforcement responsibility.)

On-going Fire Maintenances Funding Obligations

37. Section 5.2 "Notes For Inclusion In the CC&R's" states that "every prospective homeowner must receive a copy of this Fire Safety Plan and sign an acknowledgement that they are aware of the restrictions..." We see several problems:
- a. The Fire Protection Plan now has a new title of "Fire Safety Plan". Mixing titles for the same document can create confusion.
 - b. This document is too complex for homeowners to comprehend and will be generally ignored. For effective notification and education of owners/potential owners, a briefer, more specific document using


layman's terms must be prepared by the developer's FPP consultant and be approved by Deer Springs Fire Protection District.

38. Rework the concept of individual Estate Lot owners being responsible for treatment zones off their own property on Lawrence Welk Lane. (They are responsible for vegetation maintenance on their own parcel.) Maintenance of commonly owned properties should be by an identifiable responsible party, not simply informally shared by the ten estate owners. The HOA or other responsible entity should be tasked.
39. Section 5.2 second numbered paragraph appears to obligate all "non-estate" property owners. Does this exclude "estate" property owners from mandatory participation in funding of construction, landscaping and fuel modification monitoring and public education funding?
40. Section 5.2 fifth numbered paragraph please add "consistent with County-approved planting list".
41. Please add a statement that should the Tentative Map be modified, the Fire Protection Plan may be required to be revised by the Deer Springs Fire Protection District or County Fire Marshal, and must be approved by both.
42. Is there an expiration date on the CC&Rs? Can a future HOA Board or group of HOA members dissolve, modify or unfund these obligations?

CC&Rs appear to be a potentially unreliable means of funding and enforcing life safety issues. We recommend the establishment of some sort of public entity such as a Community Facilities District with the specific task of enforcement and maintenance of fire safety factors identified in the FPP, Fire District fire code, County building and fire codes, and in funding resident education by the fire protection district.

Please make the revisions listed above, and submit the revised Fire Protection Plan to the Fire Marshal of Deer Springs Fire Protection District, and to the County of San Diego Department of Planning and Land Use, County Fire Marshal. **Submit two versions: a strikeover/highlighted revision and a clean revision** so we may accurately and expeditiously track all changes.

Sincerely,


Fire Chief Rich Bolton
Deer Springs FPD


Fire Marshal Susan Magdaleno
Deer Springs FPD


Paul Dawson, Fire Marshal
Fire Services Section

9-1-06
c: Ralph Steinhoff
Kenneth J. Miller II

9-1-06

Date: July 17, 2006
To: Curt Grieve, Kelly Day Group
From: Chief Rich Bolton, DSFPD
Subject: Process

Thank you for your recent inquiry concerning a tentative time schedule for the review of the Merriam Mountain Fire protection Plan (FPP). Because of the revisions of the FPP recently delivered to Fire Marshall Magdaleno, added to her normal workload of other projects required planchecks and inspections, and the County of San Diego Fire Services Section additional involvement in the review process, I do not have any time certain for the review to be completed.

Additionally, based on public input to the Board of Directors at the meeting of July 12, 2006, the "Shelter in Place" portion of the FPP will require more review by both the District and the County, as well as other alternatives, such as additional access/egress roadways.

In response to your last question, the Board has not removed either myself or the Fire Marshall from approving Fire protection plans in general. But, as you well know, the Merriam mountain project is of such size and impact to the Deer Springs Fire Protection district and the community it serves, that the Board will ultimately make any final decision to approve or reject the project.

Thank you for your patience in this matter.

Gerald A. Cannon for Rich Bolton, Battalion Chief



GARY L. PRYOR
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
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(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3612
(619) 441-4030

August 19, 2004

Chief Rich Bolton
Deer Springs Fire Protection District
8709 Circle "R" Drive
Escondido, California 92026

Dear Chief Bolton:

Thank you for your letter of July 28, 2004, requesting assistance in creating policies and standards for your District. I have shared your letter with Ralph Steinhoff, the Fire Services Coordinator for this Department.

I have been working with the Rural Fire Protection District on their proposal to establish a Community Facilities District, which new discretionary development projects would be required to annex into. I will be working with Ralph on the establishment of that mechanism for use by any fire district choosing to use it to obtain supplemental revenue from new discretionary development projects. I will contact you as soon as this funding technique can be implemented by the County. For existing units and those which can be constructed "by right," the only method I am aware of is the district wide benefit fee which you are already utilizing.

Ralph Steinhoff and his staff are available to assist you in considering fire code requirements that are suited to your terrain and circumstances, and in techniques they are using in reviewing development projects (such as how he evaluated biological set aside areas and road standards during subdivision reviews).

Ralph and I are available to meet with you at your convenience if you would like our advice on any matter. I can be reached at (858) 694-3765.

Sincerely,

JOAN VOKAC, Chief
Administrative Permits

JV:tf

AUTHOR\APLTRJV2-0804



Deer Springs Fire Protection District

8709 Circle "R" Drive
Escondido, California 92026
(760) 749-8001 Fax: (760) 749-6572

July 28, 2004

Joan Vokac, Chief – Land Use
Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, CA 92123-1666

Dear Ms. Vokac,

The Deer Springs Fire Protection District is a small fire agency located in north San Diego County. We currently are operated under contract with the California Department of Forestry and Fire Protection. We are organized as a "post-Prop 13" fire district.

As such, we have limited financial means. Although we currently have two fire stations, they are only staffed with two fire personnel each. This situation has been in existence for several years now.

We are just now reviewing for the first time a proposed 2300+ unit development. In the past, we have seen projects come into the district one or two at a time. With our limited staff, we have been able to adequately serve the needs of the developers and citizens alike. However, for developments of any size, we are not equipped to handle the submittals in a timely and expeditious manner.

The impacts of development on a small agency are severe: The staff is not necessarily in place to properly review the projects to ensure that fire-safe methods and fire code requirements are followed. Also, as the construction begins and the eventual increase in population that follows, the demands on our fire district become burdensome. We are not unlike other small fire districts that become either financially periled in attempting to serve the growing district, or deliver services that can fall below the desirable level.

Therefore, I am respectfully requesting on behalf of the Deer Springs Fire Protection District, that the Department of Planning and Land Use support us by assisting the district in the development of findings and services to meet the impacts brought about by development. I should hope that these services would include assistance in the creation of policies and standards for our district that deal with the financial, service level, and fire code/prevention policy compliance impacts.

It is our desire to not only deliver the highest level of fire and emergency medical services to our community, but to also meet the needs of those doing business within our district, and to partner with the County of San Diego in creating safe neighborhoods.

Please feel free to contact me to discuss this request.

Sincerely,

A handwritten signature in cursive script that reads "Rich Bolton".

Chief Rich Bolton
Deer Springs Fire Protection District